

# **Environmental Protection Agency (EPA): FY2015 Appropriations**

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## Summary

Enacted on December 16, 2014, Title II of Division F of the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235; H.R. 83) provided \$8.14 billion for the Environmental Protection Agency (EPA) for FY2015. The act appropriated funding for the full fiscal year through September 30, 2015, for 11 of the 12 regular appropriations acts, including “Interior, Environment, and Related Agencies,” under which EPA is funded. Total discretionary appropriations available in FY2015 for all federal departments and agencies were based on a cap of \$1.014 trillion set in the Bipartisan Budget Act of 2013 (P.L. 113-67, Division A). No regular appropriations acts for FY2015—including the Interior, Environment, and Related Agencies—were enacted prior to the start of the fiscal year. Instead, EPA and other federal departments and agencies operated under a series of continuing resolutions prior to the enactment of P.L. 113-235.

The total FY2015 enacted appropriations of \$8.14 billion for EPA was a \$249.9 million (3.2%) increase above the President’s FY2015 request of \$7.89 billion but \$60.1 million (0.7%) below the FY2014 enacted appropriations of \$8.20 billion. The July 15, 2014, House Appropriations Committee–reported bill H.R. 5171, for the Interior, Environment, and Related Agencies would have provided \$7.48 billion for EPA for FY2015. The chairman of the Senate Interior, Environment, and Related Agencies Appropriations Subcommittee recommendations for FY2015 in the form of a draft bill on August 1, 2014, would have provided a total of \$8.18 billion for EPA.

There were both increases and decreases across the individual program activities funded within the nine EPA appropriations accounts when comparing the FY2015 enacted appropriations with those proposed for FY2015 and the FY2014 enacted levels. Considerable attention during the debate and hearings on EPA’s appropriations for FY2015 focused on federal financial assistance to states for wastewater and drinking water infrastructure projects, various categorical grants to states to support general implementation and enforcement of federal environmental programs as delegated to the states, funding for the agency’s implementation and research support for air pollution control requirements, EPA actions to address climate change and greenhouse gas emissions, and funding for environmental cleanup.

In addition to funding for specific programs and activities, several recent and pending EPA regulatory actions received attention during hearings on FY2015 appropriations for EPA—similar to the debate regarding appropriations for the agency for recent fiscal years. The general provisions in Title IV of Division F of P.L. 113-235 included provisions restricting the use of funds for certain EPA actions similar to those contained in previous recent appropriations but only a subset of those included in the House committee reported bill, H.R. 5171. Provisions retained in P.L. 113-235 address EPA air quality regulation of livestock operations and reporting requirements for manure systems, use of U.S. iron and steel for drinking water infrastructure projects, and EPA regulation of lead in ammunition and fishing tackle.

This CRS report provides an overview of funding levels for EPA accounts and certain program activities specified in P.L. 113-235 compared to H.R. 5171 as reported, the Senate subcommittee chairman’s draft, the President’s FY2015 request, and FY2014 enacted appropriations. The report also highlights issues associated with a subset of accounts and programs that were prominent in the debate on EPA’s FY2015 appropriations during the 113<sup>th</sup> Congress.

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## Overview

EPA was established in 1970 to consolidate federal pollution control responsibilities that had been divided among several federal agencies.<sup>1</sup> EPA's responsibilities grew significantly as Congress enacted an increasing number of environmental laws as well as major amendments to these statutes. Among the agency's primary responsibilities are the regulation of air quality, water quality, pesticides, and toxic substances; regulation of the management and disposal of solid and hazardous wastes; and the cleanup of environmental contamination. EPA also awards grants to assist states and local governments in ensuring compliance with federal requirements to control pollution. Since FY2006, Congress has funded EPA programs and activities within the Interior, Environment, and Related Agencies appropriations bill.<sup>2</sup> From FY1996 to FY2013, EPA's funding had been requested by the Administration and appropriated by Congress under eight statutory accounts. A ninth account, Hazardous Waste Electronic Manifest System Fund, was added during the FY2014 budget process.<sup>3</sup>

P.L. 113-235 (H.R. 83), the Consolidated and Further Continuing Appropriations Act, 2015, was signed into law on December 16, 2014. The act included 11 of the 12 regular appropriations bills.<sup>4</sup> P.L. 113-235 (H.R. 83) provided a total of \$8.14 billion for EPA in Title II of Division F—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2015. The total EPA appropriation for FY2015 is \$249.9 million above the President's FY2015 request of \$7.89 billion but \$60.1 million less than the FY2014 enacted level of \$8.20 billion.

No regular Interior, Environment, and Related Agencies appropriations bills for FY2015 were passed by the House or Senate appropriations committees prior to the end of the fiscal year. However, the House Committee on Appropriations reported H.R. 5171, and the Senate subcommittee released a chairman's draft that formed the basis for negotiating the enacted levels in P.L. 113-235.

<sup>1</sup> The origin of EPA is rooted in a reorganization of the executive branch under the Nixon Administration. Reorganization Plan No. 3 of 1970 proposed the establishment of EPA to integrate the administration of numerous federal pollution control laws that had been carried out by several federal agencies. The Nixon Administration created EPA and National Oceanic and Atmospheric Administration (NOAA) through this reorganization with congressional approval under procedures established in the Reorganization Act of 1949, as amended (5 U.S.C. §901 et seq.); see CRS Report RL30798, *Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency*.

<sup>2</sup> During the 109<sup>th</sup> Congress, EPA's funding was moved from the jurisdiction of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies to the Interior, Environment, and Related Agencies Appropriations Subcommittees beginning with the FY2006 appropriations. This change resulted from the abolition of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies.

<sup>3</sup> The Hazardous Waste Electronic Manifest Establishment Act (P.L. 112-195) authorized the development of an electronic system to track hazardous waste shipments and a fund to finance it that would be supported with start-up appropriations and user fees thereafter. The system would manage the tracking of shipping manifests specifically for hazardous wastes designated under Subtitle C of the Resource Conservation and Recovery Act (RCRA)/Solid Waste Disposal Act. For FY2014, P.L. 113-76 created a dedicated statutory appropriations account consolidating funding that the President had requested within other existing EPA accounts for this purpose; see Title II of Division G in the Joint Explanatory Statement for the Consolidated Appropriations Act, 2014, as issued in the January 15, 2014, Congressional Record, Book II, pp. H977-H979 and H1010-1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>.

<sup>4</sup> Congress did not include full annual funding for the Department of Homeland Security. Instead, Division L of P.L. 113-235 (H.R. 83) provided an extension through February 27, 2015, of the FY2015 funding provided in the continuing resolutions.

This report briefly summarizes actions on the FY2015 appropriations for EPA and presents a breakout of the FY2015 enacted appropriations for the agency by each of the nine appropriations accounts and by selected programs and activities within those accounts that received more prominent attention in the congressional debate. The discussions and tables presented in this report compare the FY2015 enacted appropriations for EPA to FY2015 levels proposed in the President's FY2015 budget request, the House committee reported bill and Senate subcommittee draft, and the FY2014 enacted appropriations.

The Joint Explanatory Statement accompanying the Consolidated and Further Continuing Appropriations Act, 2015 (issued in the December 11, 2014, *Congressional Record*)<sup>5</sup> is the primary source of information presented in this report for the FY2015 enacted appropriations, the President's FY2015 budget request, and the FY2014 enacted appropriations unless otherwise specified.<sup>6</sup> Information regarding the House committee reported bill is from the accompanying report H.Rept. 113-551; information regarding the Senate Subcommittee chairman's draft is from the accompanying explanatory statement.<sup>7</sup>

## Congressional Action

### House Committee Reported Bill and Senate Subcommittee Draft

The House Appropriations Committee completed its markup of the FY2015 Interior, Environment, and Related Agencies Appropriations bill (H.R. 5171, H.Rept. 113-551) on July 15, 2014.<sup>8</sup> Title II of the House committee reported bill would have provided a total of \$7.48 billion for EPA, \$407.3 million (5%) less than the President's FY2015 request of \$7.89 billion, and \$717.3 million (9%) less than the FY2014 enacted appropriation of \$8.20 billion. No Interior, Environment, and Related Agencies bill providing FY2015 appropriations was introduced in the Senate. However, on August 1, 2014, the chairman and the ranking Member of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies released a chairman's draft for FY2015 with an accompanying explanatory statement.<sup>9</sup> Title II of the chairman's draft would have provided a total of \$8.18 billion for EPA, \$699.3 million (9.3%) more than the \$7.48 billion in the House committee reported bill for FY2015, \$292.1 million

<sup>5</sup> "Explanatory Statement" submitted by the chairman of the House Committee on Appropriations in the House, *Congressional Record*, vol. 160 (December 11, 2014), <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. Under Division F, see discussion regarding "Title II—Environmental Protection Agency," p. H9766-H9768; "Title IV—General Provisions," beginning p. H9770, and in the funding table, pp. H9801-H9809.

<sup>6</sup> Additional information regarding the FY2015 request was obtained from EPA's *FY2015 Justification of Appropriation Estimates for the Committee on Appropriations* (referred to throughout this report as the EPA FY2015 Congressional Justification), available at <http://www2.epa.gov/planandbudget/fy2015>, and the President's *Budget of the United States Government, Fiscal Year 2015* issued by the Office of Management and Budget (OMB), <http://www.gpo.gov/fdsys/browse/collectionGPO.action?collectionCode=BUDGET>.

<sup>7</sup> The Senate subcommittee chairman's recommendation and accompanying explanatory statement are available on the Senate Committee on Appropriations' website, <http://www.appropriations.senate.gov/news/fy15-interior-subcommittee-bill-draft-report>; text of the chairman's recommendation is available at <http://www.appropriations.senate.gov/sites/default/files/INTERIORFY15bill.pdf>, and the explanatory statement is available at <http://www.appropriations.senate.gov/sites/default/files/INTFY15Report.pdf>.

<sup>8</sup> For more information regarding the Department of the Interior and other agencies funded under the House committee-reported bill see CRS Report R43617, *Interior, Environment, and Related Agencies: FY2015 Appropriations*, by Carol Hardy Vincent.

<sup>9</sup> See footnote 7.

(3.7%) more than the FY2015 request of \$7.89 billion but \$17.9 million (0.2%) less than the FY2014 enacted level of \$8.20 billion.

H.R. 5171 as reported included a number of provisions (Title IV General Provisions) proposed by the Subcommittee on Interior, Environment, and Related Agencies and an additional amendment adopted during full-committee markup that would have restricted or prohibited the use of FY2015 funds by EPA for implementing or proceeding with a number of regulatory actions.<sup>10</sup> Amendments considered during House committee markup of the FY2015 appropriations that would have removed several of the funding prohibitions, including most of those affecting EPA, were not adopted. A subset of the provisions in the House committee reported bill, several of which were similar to those included in recent fiscal years' appropriations, were retained in P.L. 113-235 as discussed below ("Funding Restrictions/Prohibitions").

For a description of provisions included in the House committee reported bill but not retained in the Consolidated and Further Continuing Appropriations Act, 2015, P.L. 113-235, see **Appendix A** of this report.

## Continuing Resolutions

On September 19, 2014, President Obama signed into law the Continuing Appropriations Resolution, 2015 (P.L. 113-164, H.J.Res. 124). Section 101 of the act continued appropriations for federal departments and agencies generally at FY2014 enacted levels minus a 0.0554% rescission. The continuing resolution (CR) was authorized until December 11, 2014, or until the enactment of FY2015 appropriations. Funding for EPA under the CR was subject to the authority and conditions provided in the Interior, Environment, and Related Agencies Appropriations Act, 2014 (Division G, P.L. 113-76). Section 104 of the CR further stated that continuing funding for all federal departments and agencies cannot be used to initiate or resume any project or activity that did not receive appropriations for FY2014. H.J.Res. 130 (P.L. 113-202), enacted December 12, 2014, extended the provisions of P.L. 113-164 through December 13, 2014, and H.J.Res. 131 (P.L. 113-203), enacted December 13, 2014, further extended the provisions of P.L. 113-164 through December 17, 2014. P.L. 113-235, the Consolidated and Further Continuing Appropriations Act, 2015, enacted December 16, 2014, established final funding levels for the full fiscal year through September 30, 2015.

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<sup>10</sup> Some of these provisions are similar to those introduced in previous fiscal years' draft appropriations from FY2011 through FY2014, and a subset of them has been included in final prior fiscal years' appropriations. See CRS Report R43689, *Environmental Protection Agency (EPA): Appropriations for FY2014 in P.L. 113-76*, by Robert Esworthy and David M. Bearden, CRS Report R43207, *Environmental Protection Agency (EPA): Appropriations for FY2013 in P.L. 113-6*, by Robert Esworthy and David M. Bearden, CRS Report R42520, *Environmental Protection Agency (EPA) Appropriations for FY2013: Debate During the 112<sup>th</sup> Congress*, coordinated by Robert Esworthy, CRS Report R41979, *Environmental Protection Agency (EPA) FY2012 Appropriations: Overview of Provisions in H.R. 2584 as Reported*, by Robert Esworthy, and CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.



## Comparison of FY2015 Enacted, FY2015 Proposed, and FY2014 Enacted Appropriations

**Table 1** presents the FY2015 amounts for EPA enacted under Title II of Division F of P.L. 113-235 compared to amounts approved by the House Appropriations Committee in H.R. 5171, recommended in the Senate subcommittee chairman's draft, requested in the President's FY2015 budget request, and enacted for FY2014<sup>11</sup> for the nine statutory accounts that fund the agency.<sup>12</sup> The FY2015 enacted appropriations included both decreases and increases compared to the amounts proposed for 2015 and the 2014 enacted levels for individual programs and activities funded within each of the EPA appropriations accounts not specified in the bill itself but identified in the explanatory statement as reported in the *Congressional Record*. The explanatory statement also provided direction to EPA in implementing various aspects of individual programs and activities in its report.<sup>13</sup>

The administrative provisions in Title II of Division F of P.L. 113-325 included a rescission of \$40.0 million from unobligated balances previously appropriated to carry out projects and activities funded through the State and Tribal Assistance Grants (STAG) account. The provision further specified that no amounts are to be rescinded from amounts that Congress stipulated as emergency requirements pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Act of 1985. The President's FY2015 request had proposed a \$5.0 million rescission of unobligated balances of prior EPA appropriations from the STAG account with the same restrictions.<sup>14</sup> The FY2014 enacted appropriations did not include rescissions of unobligated balances of EPA prior fiscal years' appropriations, whereas EPA appropriations beginning in FY2006 through FY2013 did include them.

**Table 1. EPA Appropriations by Account: FY2015 Enacted, H.R. 5171 as Reported, Senate Subcommittee Chairman's Draft, FY2015 President's Budget Request, and FY2014 Enacted**

(millions of dollars)

EPA Appropriations Accounts	FY2014 Enacted (P.L. 113- 76)	FY2015 President's Request	FY2015 H.R. 5171 as Reported	FY2015 S. Subcmte. Chairman Draft	FY2015 Enacted (P.L. 113- 235)
<b>Science and Technology</b>					
—Base Appropriations	\$759.2	\$763.8	\$716.6	\$752.9	\$734.6
—Transfer in from Hazardous Substance Superfund	+19.2	+\$18.8	+\$18.8	+18.8	+\$18.8
Science and Technology Total	\$778.4	\$782.6	\$735.4	\$771.7	\$753.5

<sup>11</sup> For an overview of the EPA FY2014 appropriations see CRS Report R43689, *Environmental Protection Agency (EPA): Appropriations for FY2014 in P.L. 113-76*, by Robert Esworthy and David M. Bearden.

<sup>12</sup> For FY2014, P.L. 113-76 created a dedicated statutory appropriations account, the Hazardous Waste Electronic Manifest System Fund, consolidating funding for necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, \$3,674,000, to remain available until September 30, 2016.

<sup>13</sup> See footnote 5.

<sup>14</sup> See EPA FY2015 Congressional Justification, <http://www2.epa.gov/planandbudget/fy2015>, pp.1019-1020.



<b>EPA Appropriations Accounts</b>	<b>FY2014 Enacted (P.L. 113- 76)</b>	<b>FY2015 President's Request</b>	<b>FY2015 H.R. 5171 as Reported</b>	<b>FY2015 S. Subcmte. Chairman Draft</b>	<b>FY2015 Enacted (P.L. 113- 235)</b>
Environmental Programs and Management	\$2,624.1	\$2,737.2	\$2,508.6	\$2,639.1	\$2,613.7
Hazardous Waste Electronic Manifest Fund	\$3.7	\$10.4	\$5.0	\$10.4	\$3.7
Office of Inspector General					
—Base Appropriations	\$41.8	\$46.1	\$40.0	\$43.3	\$41.5
—Transfer in from Hazardous Substance Superfund	+\$9.9	+\$11.1	+\$9.9	+\$9.9	+\$9.9
Office of Inspector General Total	\$51.8	\$57.2	\$49.9	\$53.3	\$51.4
Buildings & Facilities	\$34.5	\$53.5	\$34.5	\$42.3	\$42.3
<b>Hazardous Substance Superfund</b>					
Total Appropriations	\$1,088.8	\$1,156.6	\$1,156.6	\$1,087.9	\$1,088.8
—Transfer out to Office of Inspector General	-\$9.9	-\$11.1	-\$9.9	-\$9.9	-\$9.9
—Transfer out to Science and Technology	-\$19.2	-\$18.8	-\$18.8	-\$18.8	-\$18.8
Hazardous Substance Superfund (net after transfers)	\$1,059.6	\$1,126.7	\$1,127.9	\$1,059.1	\$1,060.0
Leaking Underground Storage Tank Trust Fund Program	\$94.6	\$97.9	\$95.6	\$93.1	\$91.9
Inland Oil Spill Program	\$18.2	\$24.1	\$17.9	\$19.9	\$18.2
<b>State and Tribal Assistance Grants</b>					
—Clean Water State Revolving Fund	\$1,448.9	\$1,018.0	\$1,018.0	\$1,448.9	\$1,448.9
—Drinking Water State Revolving Fund	\$906.9	\$757.0	\$757.0	\$906.9	\$906.9
—Other Infrastructure Grants	\$125.0	\$100.0	\$130.0	\$114.0	\$135.0
—Mexican Border	\$5.0	\$5.0	\$5.0	\$7.5	\$5.0
—Alaska Native Villages	\$10.0	\$10.0	\$10.0	\$10.0	\$10.0
—Brownfields Section 104(k) Grants	\$90.0	\$85.0	\$75.0	\$90.0	\$80.0
—Diesel Emission Reduction Grants	\$20.0	\$0.0	\$30.0	\$6.5	\$30.0
—Targeted Airshed Grants	\$0.0	\$0.0	\$10.0	\$0.0	\$10.0
—Categorical Grants	\$1,054.4	\$1,130.4	\$1,046.9	\$1,054.4	\$1,054.4
State and Tribal Assistance Grants Total	\$3,535.2	\$3,005.4	\$2,951.9	\$3,524.2	\$3,545.2
Rescissions (various EPA accounts) <sup>a</sup>	\$0.0	-\$5.0	-\$45.0	-\$31.0	-\$40.0
<b>Total Appropriations</b>	<b>\$8,200.0</b>	<b>\$7,890.0</b>	<b>\$7,482.7</b>	<b>\$8,182.1</b>	<b>\$8,139.9</b>

**Source:** Prepared by the Congressional Research Service. The FY2015 enacted and requested amounts and FY2014 enacted amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. The Senate Appropriations Subcommittee chairman's recommendations are as presented in the table contained in the chairman's explanatory statement (pp. 100-105), <http://www.appropriations.senate.gov/sites/default/files/>

INTFY15Report.pdf. The FY2015 House Appropriations Committee—reported amounts are as presented in the House committee report (H.Rept. 113-551, pp. 169-177) accompanying H.R. 5171 as reported. Numbers may not add up due to rounding.

- a. Rescission of unobligated balances from previous fiscal years' appropriations.

The following sections highlight funding issues associated with certain accounts and program activities that have been prominent in the debate on EPA's FY2015 appropriations.

## Key Funding Issues

Concerns regarding EPA's FY2015 funding focused particularly on prioritization and adequacy of funding for wastewater and drinking water infrastructure projects; categorical grants to assist states in implementing federal pollution control laws; implementation of air quality and climate change regulations, research, and related activities; and federal financial assistance for environmental cleanup of Superfund and Brownfields sites. There was also interest in funding for geographic-specific water quality initiatives (e.g., the Great Lakes Restoration Initiative and efforts to restore the Chesapeake Bay). In addition, several EPA regulatory actions received considerable attention during House and Senate oversight committee hearings, appropriations committee hearings, and House Appropriations Committee markup of the FY2015 appropriations.

## Funding Restrictions/Prohibitions

EPA has proposed and promulgated a number of regulations intended to implement provisions of the various federal pollution control statutes enacted by Congress over time. Considerable debate<sup>15</sup> over the past few years resulted in proposed legislation during the 112<sup>th</sup> and 113<sup>th</sup> Congresses. Some stakeholders and Members of Congress have expressed concerns that certain agency actions “overreached” the authority given it by Congress. Moreover, some reason that EPA's actions ignored or underestimated the costs and economic impacts of proposed and promulgated rules. Other Members, EPA, and some stakeholders have countered that EPA's actions are consistent with statutory mandates and in some circumstances are compelled by court ruling, that the pace of rulemaking in some ways is slower than a decade ago, and that costs and benefits are appropriately evaluated. Some states, industry groups, and environmental advocacy groups contend that in some cases EPA has not fully implemented its statutorily mandated authorities and that certain regulatory action has been delayed. Still others advocate that regulations should be stronger than those promulgated and proposed to more adequately protect public health and welfare and the environment.

Recently promulgated and pending actions under the Clean Air Act, in particular EPA controls on emissions of greenhouse gases and efforts to address conventional pollutants from a number of industries, have received much of the attention within Congress. Several actions under the Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, Federal Insecticide, Fungicide, and Rodenticide Act, Comprehensive Environmental Response,

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<sup>15</sup> See discussion under “Is EPA on Target or Overreaching? Conflicting Views” in the introduction of CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland, which examines major or controversial regulatory actions taken by or under development at EPA since January 2009, provides details on the regulatory action itself, presents an estimated timeline for completion of the rule (including identification of related court or statutory deadlines where applicable), and, in general, provides EPA's estimates of costs and benefits when available. The report also discusses factors that affect the timeframe in which regulations take effect.

Compensation, and Liability Act (CERCLA) Superfund financial responsibility, and the Toxic Substances Control Act (TSCA) have also received attention in the congressional debate.

The general provisions in Title IV of Division F of P.L. 113-235 included provisions restricting the use of funds for certain EPA actions similar to those contained in previous recent appropriations but incorporated only a subset of those included in H.R. 5171 as reported<sup>16</sup> (see **Appendix A**). A brief description of these EPA provisions in P.L. 113-235 follows:

- Section 419 (Prohibitions on Use of Funds) continues a provision included in the FY2014 appropriations (P.L. 113-76, Title IV §420) and other previous fiscal years beginning with the FY2010 appropriations (P.L. 111-88, Title IV §424) that would prohibit the use of funds made available “in this or any other Act” to promulgate or implement any regulation requiring the issuance of permits under Title V of the Clean Air Act (42 U.S.C. Chapter 85, Subchapter V) to reduce emissions of carbon dioxide, nitrous oxide, water vapor, or methane resulting from biological processes associated with livestock production.
- Section 420 (Greenhouse Gas Reporting Restrictions) continues a provision included in the FY2014 appropriations (P.L. 113-76, Title IV §421) and other previous fiscal years beginning with the FY2010 appropriations in P.L. 111-88 (Title IV §425), that prohibits the use of funds made available “in this or any other Act” to implement any provision in a rule if that provision requires mandatory reporting of greenhouse gas (GHG) emissions from manure management systems.
- Section 424 (Use of American Iron and Steel) prohibits the use of funds made available by the drinking water state revolving loan fund (SRF) (provision does not explicitly specify that this applies only to those funds made available in this act) authorized under the Safe Drinking Water Act (SDWA, 42 U.S.C. 300j–12) for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all iron and steel used in the project are produced in the United States unless otherwise exempted as specified in this section of the act.<sup>17</sup>
- Section 425 (Funding Prohibition) prohibits the use of funds made available “by this or any other Act” to regulate the lead content of ammunition or fishing tackle under the TSCA (15 U.S.C. 2601 et seq.) or any other law.

## Wastewater and Drinking Water Infrastructure<sup>18</sup>

Historically, funding within the STAG account for grants to aid states and territories in capitalizing their Clean Water and Drinking Water State Revolving Funds (SRFs) has represented

<sup>16</sup> Sections 419, 420, 424 and 425 in Title IV of Division F in P.L. 113-235 are generally the same as Sections 420, 421, 426, and 444, respectively, as proposed in Title IV of the House committee reported bill, H.R. 5171.

<sup>17</sup> The 113th Congress amended the Clean Water Act SRF provisions (33 U.S.C. 1381 et. seq.) in the Water Resources Reform and Development Act of 2014 (WRRDA), P.L. 113-121. WRRDA Section 5004 codified a “Buy American” statutory provision for the Clean Water (wastewater) SRF similar to a provision contained in the Consolidated Appropriations Act, 2014 (P.L. 113-76, §436 of Title IV), that applied to both wastewater and drinking water SRF capitalization grants.

<sup>18</sup> See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by Claudia Copeland, and CRS Report RS22037, *Drinking Water State Revolving Fund (DWSRF): Program Overview and Issues*, by Mary Tiemann.

a sizable portion of the total appropriations for EPA, ranging from one-fourth to one-third of the agency's funding in recent fiscal years.<sup>19</sup> The combined total enacted amount for the Clean Water and the Drinking Water SRFs for FY2015 of \$2.36 billion was the same as recommended in the Senate subcommittee chairman's draft and FY2014 enacted but \$580.9 million (32.7%) more than the \$1.77 billion proposed in the FY2015 budget request and recommended in H.R. 5171 as reported. P.L. 113-235 appropriated \$1.45 billion for the Clean Water SRF capitalization grants and \$906.9 million for the Drinking Water SRF capitalization grants for FY2015—\$430.9 million and \$149.9 million more than the \$1.02 billion and \$757.0 million requested by the President and proposed in the House-reported bill, respectively, as shown in **Table 1**.

The SRFs help finance local wastewater and drinking water infrastructure projects, such as constructing and modifying municipal sewage treatment plants and drinking water treatment plants, to facilitate compliance with the Clean Water Act and the Safe Drinking Water Act, respectively. EPA awards SRF capitalization grants to states and territories based on formulas.<sup>20</sup>

An ongoing issue for Congress has been the extent of federal financial assistance still needed to help states maintain sufficient capital in their SRFs to meet local water infrastructure needs. While expressing recognition of the importance of the Clean Water and Safe Drinking Water SRFs, some Members have contended that funding these accounts through regular appropriations is unsustainable, and during the 113<sup>th</sup> Congress authorizing committees examined potential funding mechanisms for the SRFs that are sustainable in the long term.<sup>21</sup> Some advocates of a prominent federal role have cited estimates of hundreds of billions of dollars in long-term needs among communities, and the expansion of federal water quality requirements over time, as reasons for maintaining or increasing the level of federal financial assistance. Others have called for more self-reliance among state and local governments in meeting water infrastructure needs within their respective jurisdictions.

## Water Infrastructure in Geographic-Specific Areas

As in past appropriations, P.L. 113-235 also included funding within the STAG account for FY2015 to support other water infrastructure projects in two geographic-specific areas: Alaska Native Villages and the U.S.-Mexico Border region. The FY2015 amount for the construction of wastewater and drinking water facilities in Alaska Native Villages was \$10.0 million, the same as proposed for FY2015 in the President's FY2015 request, the House committee reported bill, and the Senate subcommittee chairman's draft and enacted for FY2014. The FY2015 enacted appropriations included \$5.0 million within the STAG account for wastewater infrastructure

<sup>19</sup> The SRFs received an additional \$6.00 billion in the American Recovery and Reinvestment Act (ARRA) of 2009 (P.L. 111-5) and a 130% increase above the FY2008 and FY2009 regular appropriations levels for FY2010.

<sup>20</sup> Clean Water SRF capitalization grants are awarded to states according to a statutory formula established in the Clean Water Act. The Drinking Water SRF capitalization grants are awarded among the states based on a formula developed administratively by EPA, using the results of a drinking water needs survey to determine allotments among the states.

<sup>21</sup> Beyond the SRF program, the 113<sup>th</sup> Congress considered alternative financing approaches for water infrastructure. Enacted in June 2014, the Water Resources Development Act of 2014 (P.L. 113-121, H.R. 3080) includes in Title V, Subtitle C, the Water Infrastructure Finance and Innovation Act of 2013 (WIFIA). In WIFIA, Congress authorized a pilot loan guarantee program to test the ability of innovative financing tools to promote increased development of, and private investment in, water infrastructure projects. The act authorizes to be appropriated to the Secretary of the Interior and the EPA administrator \$20 million each for FY2015 and \$25 million each for FY2016, with amounts increasing annually to \$50 million each for FY2019. The Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235), did not appropriate funds for project financing, but did provide EPA with \$2.2 million for hiring staff to implement the program. See CRS Report R43315, *Water Infrastructure Financing: The Water Infrastructure Finance and Innovation Act (WIFIA) Program*, by Claudia Copeland. See also relevant discussion in CRS Report RS22037, *Drinking Water State Revolving Fund (DWSRF): Program Overview and Issues*, by Mary Tiemann.

projects along the U.S.-Mexico border, the same as proposed in FY2015 in the President's request and the House committee reported bill and enacted for FY2014 but less than the \$7.5 million recommended for FY2015 in the Senate subcommittee chairman's draft. See **Table 1** earlier in this report for a comparison of FY2015 enacted appropriations for these other water infrastructure grants to funding proposed in the House committee reported bill, the Senate subcommittee chairman's draft, and the FY2015 President's budget request and included in the FY2014 enacted appropriations.

## Categorical Grants to States and Tribes

P.L. 113-235 included \$1.05 billion for the STAG account for FY2015 to support state and tribal "categorical" grant programs, the same as the FY2014 enacted level but \$76.0 million (6.7%) below the President's FY2015 request of \$1.13 billion. These funds are allocated among multiple grants generally to states and tribes to support the day-to-day implementation of federal environmental laws and regulations and to support various activities that address particular environmental media (air, water, hazardous waste, etc.). Implementation by states involves a range of activities such as monitoring, permitting and standard setting, training, and other pollution control and prevention activities. These grants also assist multimedia projects such as pollution prevention, pesticides and toxic substances enforcement, the tribal general assistance program, and environmental information. Categorical grants to assist states and tribes with the implementation of federal air quality requirements are discussed in more detail in the following section on "Air Quality and Climate Change Activities."

**Table 2** below presents the FY2015 enacted funding levels for EPA categorical grant programs compared to the President's FY2015 request and FY2014 enacted appropriations. Amounts proposed in H.R. 5171 as reported and the Senate chairman's draft are also presented in the table.

**Table 2. Appropriations for Categorical Grants Within the State and Tribal Assistance Grants (STAG) Account: FY2015 Enacted, H.R. 5171 as Reported, Senate Subcommittee Chairman's Draft, FY2015 President's Budget Request, and FY2014 Enacted**

(millions of dollars)

Categorical Grant Program Area	FY2014 Enacted (P.L. 113-76)	FY2015 President's Request	FY2015 H.R. 5171 as Reported	FY2015 S. Subcmte. Chairman Draft	FY2015 Enacted (P.L. 113-235)
Beaches Protection	\$9.5	\$0.0	\$0.0	\$9.5	\$9.5
Brownfields	\$47.7	\$47.7	\$47.7	\$47.7	\$47.7
Environmental Information	\$9.6	\$25.7	\$9.6	\$9.6	\$9.6
Evidence-based Enforcement Grants	\$0.0	\$4.0	\$0.0	\$0.0	\$0.0
Hazardous Waste Financial Assistance	\$99.7	\$99.6	\$99.6	\$99.7	\$99.7
Lead	\$14.0	\$14.0	\$14.0	\$14.0	\$14.0
Nonpoint Source (Clean Water Act §319)	\$159.3	\$164.9	\$159.3	\$159.3	\$159.3
Pesticides Enforcement	\$18.0	\$18.0	\$18.0	\$18.0	\$18.0
Pesticides Program Implementation	\$12.7	\$12.7	\$12.7	\$12.7	\$12.7

Categorical Grant Program Area	FY2014 Enacted (P.L. 113-76)	FY2015 President's Request	FY2015 H.R. 5171 as Reported	FY2015 S. Subcmte. Chairman Draft	FY2015 Enacted (P.L. 113-235)
Pollution Control (Clean Water Act §106)	\$230.8	\$249.2	\$230.8	\$230.8	\$230.8
Water Monitoring	\$17.8	\$18.5	\$17.8	\$17.8	\$17.8
Other Activities	\$213.0	\$230.7	\$213.0	\$213.0	\$213.0
Pollution Prevention	\$4.8	\$4.8	\$4.8	\$4.8	\$4.8
Public Water System Supervision (PWSS)	\$102.0	\$109.7	\$102.0	\$102.0	\$102.0
Radon	\$8.1	\$0.0	\$8.1	\$8.1	\$8.1
State and Local Air Quality Management	\$228.2	\$243.2	\$228.2	\$228.2	\$228.2
Toxic Substances Compliance	\$4.9	\$4.9	\$4.9	\$4.9	\$4.9
Tribal Air Quality Management	\$12.8	\$12.8	\$12.8	\$12.8	\$12.8
Tribal General Assistance Program (GAP)	\$65.5	\$96.4	\$67.3	\$65.5	\$65.5
Underground Injection Control (UIC)	\$10.5	\$10.5	\$10.5	\$10.5	\$10.5
Underground Storage Tanks	\$1.5	\$1.5	\$1.5	\$1.5	\$1.5
Wetlands Program Development	\$14.7	\$14.7	\$14.7	\$14.7	\$14.7
<b>Total Categorical Grants</b>	<b>\$1,054.4</b>	<b>\$1,130.4</b>	<b>\$1,046.9</b>	<b>\$1,054.4</b>	<b>\$1,054.4</b>

**Source:** Prepared by the Congressional Research Service. The FY2015 enacted and requested amounts and FY2014 enacted amounts are as presented in the table in the *Congressional Record*, vol. 160, no. 151 (December 11, 2014), pp. H9808-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. The Senate subcommittee chairman's recommendations are as presented in the table contained in the chairman's explanatory statement (p. 104), <http://www.appropriations.senate.gov/sites/default/files/INTFY15Report.pdf>. The FY2015 House committee amounts are as presented in the table in the House committee report (H.Rept. 113-551, p. 176) accompanying H.R. 5171 as reported. Numbers may not add up due to rounding.

## Air Quality and Climate Change Activities

Several EPA air quality and climate change activities received attention during the consideration of FY2015 appropriations. Many of these activities are associated with regulations under the Clean Air Act (CAA),<sup>22</sup> in particular those that address GHGs. The agency's response to a 2007 U.S. Supreme Court decision finding that the CAA definition of air pollutants was broad enough to include GHGs<sup>23</sup> remains a prominent issue in association with EPA's climate change activities. EPA's January 8 and June 2, 2014, proposed rules regarding GHG emission standards for new and existing fossil fueled power plants in particular have garnered considerable attention. The impacts of these and other CAA actions on various sectors of the economy have been a topic of multiple hearings before the appropriations committees and various other committees. Other recently proposed or promulgated EPA actions under the CAA that received some attention in the

<sup>22</sup> See CRS Report R42895, *Clean Air Issues in the 113<sup>th</sup> Congress: An Overview*, by James E. McCarthy; see also CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland, for a discussion of selected EPA regulatory actions.

<sup>23</sup> *Massachusetts v. EPA*, 549 U.S. 497 (2007). See CRS Report RS22665, *The Supreme Court's First Climate Change Decision: Massachusetts v. EPA*, by Robert Meltz.



FY2015 appropriations debate included certain air quality issues regarding certain aspects of livestock operations.

P.L. 113-235 included two general provisions in Title IV of Division F preventing EPA from using any funds provided in the act (“or any other Act”) for two specific air quality regulatory activities related to GHG emissions. Section 420 addresses regulations for the issuance of permits under Title V of the Clean Air Act that would govern GHG emissions from biological processes associated with livestock production. Section 421 addresses reporting requirements for GHG emissions associated with manure management systems. (See “Funding Restrictions/Prohibitions.”) An additional general provision included in Section 435 of H.R. 5171 as reported that would have restricted funding to implement certain aspects of GHG New Source Performance Standards (NSPS) for, or modifications to, existing fossil-fuel-fired electricity utility generating units (see **Appendix A**) was not included in P.L. 113-235.

Similar to the general provision included in Title IV of the Consolidated Appropriations Act, 2014 (P.L. 113-76, §419), Section 418 in P.L. 113-235 (Title IV of Division F) requires the President to submit a comprehensive report to the House and Senate Appropriations Committees detailing all federal (including EPA) obligations and expenditures, domestic and international, for climate change programs and activities by agency for FY2014 and FY2015.<sup>24</sup> EPA is one of as many as 17 federal agencies that have received appropriations for climate change activities in recent fiscal years.<sup>25</sup> EPA’s share of this funding is relatively small, but EPA’s policy and regulatory roles are proportionately larger than those of other federal agencies and departments.

Appropriated funds for EPA’s climate change and air quality activities are distributed across several program activities under multiple appropriations accounts. Because of variability in these activities and modifications to account structures from year to year, it is difficult to compare the overall combined funding included in appropriations bills with the President’s request<sup>26</sup> and prior-year enacted appropriations. However, comparisons can be made among certain activities for which Congress does specify a line-item in the appropriations process.<sup>27</sup>

<sup>24</sup> The same language regarding this comprehensive report was included in the FY2012 and FY2013 appropriations: §425 Division E of Consolidated Appropriations Act, 2012 (P.L. 112-74); and the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6, §1105). “Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 1101 shall continue in effect through the date specified in section 1106.” For FY2010, §426 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88) included a similar reporting requirement, and similar to FY2013, this language was retained in FY2011 in the general provisions §1101 of Division B, the Full-Year Continuing Appropriations Act, 2011, of P.L. 112-10. A similar recurring reporting requirement had been in existence for nearly a decade through FY2007, under a provision in the annual appropriations bills for Foreign Operations.

<sup>25</sup> See CRS Report R43227, *Federal Climate Change Funding from FY2008 to FY2014*, by Jane A. Leggett, Richard K. Lattanzio, and Emily Bruner.

<sup>26</sup> Although Congress does not appropriate funding based on EPA’s strategic performance goals, the President’s FY2015 request proposed \$1.03 billion (including \$234.7 million to “address climate change” across multiple appropriations accounts) to support the agency’s strategic objective: “Addressing Climate Change and Improving Air Quality.” The FY2014 enacted level cited by EPA was \$985.1 million for this performance goal, including \$189.5 million to “address climate change” (EPA’s FY2015 Budget in Brief, pp. 13-21, <http://www2.epa.gov/planandbudget/fy2015>).

<sup>27</sup> It is difficult to compare the FY2015 funding levels for all program activities with previous fiscal years’ appropriations, as, from year to year, EPA has sometimes modified the line-items under which funding for climate-protection-related program activities is requested. For example, for FY2012, the conferees accepted the Administration’s proposed budget reorganization of certain air quality and climate protection program activities, including consolidation and modifications of various line-items, making it difficult to compare FY2012 appropriations with FY2011 (and prior year) appropriations.



As presented in **Table 3**, EPA “clean air and climate” activities constitute the single largest air quality program area funded within the Environmental Programs and Management (EPM) and Science and Technology (S&T) accounts. The combined total of the two accounts enacted for FY2015 for this program area was \$389.6 million—\$34.6 million (8.1%) less than the President’s FY2015 request of \$424.2 million and \$8.3 million (2.1%) less than the FY2014 enacted level of \$397.9 million.

State and Local Air Quality Management grants are the single largest air quality activity funded within the STAG account. The FY2015 enacted appropriation for these grants in P.L. 113-235 was \$228.2 million, the same as FY2014 enacted but \$15.0 million (6.2%) less than the President’s FY2015 request of \$243.2 million. States use these grants to help pay the costs of operating air pollution control programs. Much of the day-to-day operations of these programs (i.e., monitoring, permitting, enforcement, and developing site-specific regulations) are done largely by the state and local agencies with Clean Air Act authorities delegated by EPA.

In the STAG account, the FY2015 enacted appropriation included \$30.0 million for FY2015 for the Diesel Emission Reduction Grants program, \$10.0 million (50.0%) more than the FY2014 enacted level of \$20.0 million. The FY2015 President’s budget request had proposed no funding. Of note, the FY2013 post-sequestration funding level was \$18.9 million, and the FY2012 enacted level was \$30.0 million. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) had provided an additional \$300.0 million in supplemental funds for these grants in FY2009 for a total of \$360.0 million in that fiscal year, much of which was awarded in FY2010. The Energy Policy Act of 2005<sup>28</sup> had originally authorized \$200.0 million annually for these grants from FY2007 through FY2011.

The FY2015 enacted appropriations included funding for “Targeted Airshed Grants” within the STAG account to reduce air pollution in areas designated as nonattainment, which was proposed by the House Appropriations Committee in H.R. 5171 as reported. As specified in the explanatory statement accompanying H.R. 83, the FY2015 Consolidated and Continuing Further Appropriations Act, these grants are to be distributed “on a competitive basis to non-attainment areas that EPA determines are ranked as the top five most polluted areas relative to annual ozone or particulate matter 2.5 standards.”<sup>29</sup> No funding was requested for these grants or included in the FY2014 enacted appropriations.

P.L. 113-235 included \$8.1 million for state indoor radon (categorical) grants within the STAG account, the same as the FY2014 enacted amount. The President had not requested any funding to continue this program in FY2015. As in the FY2014 request, the President’s FY2015 request proposed eliminating the radon grant program, noting the Administration’s position that states and local agencies had established the necessary technical expertise and program funding in place to continue radon protection efforts without federal funding.<sup>30</sup> Additionally, the President’s FY2015 proposal to eliminate the radon program within the S&T and the EPM account was rejected in the explanatory statement accompanying H.R. 83, although no funding for the radon program was specified in either account within the total appropriated for the Indoor Air and Radiation program area.<sup>31</sup>

<sup>28</sup> Energy Policy Act of 2005, P.L. 109-58, Title VII, Subtitle G.

<sup>29</sup> See footnote 5, p. H9767.

<sup>30</sup> See references to the radon program activities in EPA’s FY2015 Congressional Justification, pp. ix, 732, 769-770 (<http://www2.epa.gov/planandbudget/fy2015>) and in EPA’s FY2014 Congressional Justification, pp. vii, 15, 783, 827-828 (<http://www2.epa.gov/planandbudget/fy2014>).

<sup>31</sup> See footnote 5, p. H9766.

**Table 3. Appropriations for Selected EPA Air Quality Research and Implementation Activities by Account: FY2015 Enacted, H.R. 5171 as Reported, Senate Subcommittee Chairman's Draft, FY2015 President's Budget Request, and FY2014 Enacted**

(millions of dollars)

Account/Program Area	FY2014 Enacted (P.L. 113-76)	FY2015 President's Request	FY2015 H.R. 5171 as Reported	FY2015 S. Subcmte. Chairman Draft	FY2015 Enacted (P.L. 113-235)
<b>Science and Technology Account</b>					
Clean Air and Climate	\$120.4	\$118.5	\$112.7	\$117.5	\$116.5
Clean Air Allowance Trading Program	\$8.6 <sup>a</sup>	\$8.4 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Climate Protection Program	\$8.3	\$8.0	\$8.0	\$8.0	\$8.0
Federal Support for Air Quality Management	\$7.0 <sup>a</sup>	\$7.0 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Federal Vehicle & Fuels Standards & Certification	\$96.5 <sup>a</sup>	\$95.0 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Indoor Air and Radiation	\$6.4	\$6.1	\$6.1	\$6.1	\$6.0
Indoor Air: Radon Program	\$0.2 <sup>a</sup>	\$0.0 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Reduce Risks from Indoor Air	\$0.3 <sup>a</sup>	\$0.4 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Radiation: Protection	\$2.1 <sup>a</sup>	\$2.0 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Radiation: Response Preparedness	\$3.8 <sup>a</sup>	\$3.7 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Research: Air, Climate, and Energy	\$95.0	\$101.9	\$90.3	\$98.9	\$91.9
<b>Environmental Programs and Management</b>					
Clean Air and Climate	\$277.5	\$305.7	\$266.7	\$279.6	\$273.1
Clean Air Allowance Trading Program	\$19.6 <sup>a</sup>	\$18.3 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Climate Protection Program:	\$95.4	\$104.0	\$90.2	— <sup>a</sup>	\$95.4
Federal Stationary Source Regulations	\$26.5	\$32.9	\$20.0 <sup>b</sup>	— <sup>a</sup>	— <sup>a</sup>
Federal Support for Air Quality Management	\$121.8	\$136.4	\$117.5 <sup>b</sup>	— <sup>a</sup>	— <sup>a</sup>
Stratospheric Ozone: Domestic Programs	\$5.1 <sup>a</sup>	\$5.0 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Stratospheric Ozone: Multilateral Fund	\$9.0 <sup>a</sup>	\$9.1 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Indoor Air and Radiation	\$28.1	\$30.2	\$28.1	\$28.1	\$27.6
Indoor Air: Radon Program	\$2.4 <sup>a</sup>	\$3.4 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Radiation: Protection	\$8.7 <sup>a</sup>	\$9.1 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Radiation: Response Preparedness	\$2.5 <sup>a</sup>	\$3.1 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
Reduce Risks from Indoor Air	\$14.5 <sup>a</sup>	\$14.6 <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>	— <sup>a</sup>
<b>Hazardous Substance Superfund Account</b>					
Indoor Air and Radiation: Radiation Protection	\$2.0	\$2.0	\$2.0	\$2.0	\$2.0

Account/Program Area	FY2014 Enacted (P.L. 113-76)	FY2015 President's Request	FY2015 H.R. 5171 as Reported	FY2015 S. Subcmte. Chairman Draft	FY2015 Enacted (P.L. 113- 235)
<b>State and Tribal Assistance Grants Account</b>					
Diesel Emissions Reduction Grants (Energy Policy Act)	\$20.0	\$0.0	\$30.0	\$6.5	\$30.0
Targeted Airshed Grants	\$0.0	\$0.0	\$10.0	\$0.0	\$10.0
Radon	\$8.1	\$0.0	\$8.1	\$8.1	\$8.1
State & Local Air Quality Management Grants	\$228.2	\$243.2	\$228.2	\$228.2	\$228.2
Tribal Air Quality Management Grants	\$12.8	\$12.8	\$12.8	\$12.8	\$12.8

**Source:** Prepared by the Congressional Research Service. The FY2015 enacted and requested amounts and FY2014 enacted amounts are as presented in the table in the *Congressional Record*, vol. 160, no. 151 (December 11, 2014), pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. The Senate subcommittee chairman's recommendations are as presented in the table contained in the chairman's explanatory statement (p. 100-104), <http://www.appropriations.senate.gov/sites/default/files/INTFY15Report.pdf>. The FY2015 House committee amounts are as presented in the House committee report (H.Rept. 113-551, pp. 169-176) accompanying H.R. 5171 as reported. Numbers may not add up due to rounding.

- a. The explanation for the FY2015 enacted appropriations included in the December 11, 2014, *Congressional Record* and the FY2015 House committee report (H.Rept. 113-551) did not specify funding amounts for these sub-program activities. Amounts for FY2014 enacted and FY2015 requested presented in the table are as reported in EPA's FY2015 Congressional Justification, <http://www2.epa.gov/planandbudget/fy2015>; EPA's total funding amounts for the major program areas match those reported in the committee report.
- b. Recommended funding levels are specified in the explanatory statement of the House committee report, H.Rept. 113-551 (see p. 60) but not presented in the funding tables at the end of the report.

## Cleanup of Superfund Sites

The Hazardous Substance Superfund account (hereinafter referred to as the Superfund account) supports the assessment and cleanup of contaminated sites administered under EPA's Superfund program. CERCLA authorized this program and established the Superfund Trust Fund to finance discretionary appropriations to fund it.<sup>32</sup> As indicated in **Table 1**, P.L. 113-235 included a total of \$1.09 billion for the Superfund account for FY2015 (prior to transfers to other EPA accounts), the same as the FY2014 enacted appropriations and slightly higher than the Senate subcommittee chairman's draft but \$67.8 million (5.9%) below the \$1.16 billion total proposed in the President's FY2015 request and in H.R. 5171 as reported. Funding levels for the Superfund account have been declining each fiscal year since FY2010. Prior to that time, Superfund appropriations had continued at a level of approximately \$1.25 billion annually for over a decade, with the exception of \$600.0 million in supplemental funds provided for FY2009 in P.L. 111-5.

Most of the funding within the Superfund account is allocated to the cleanup of sites that EPA has placed on the National Priorities List. Debate regarding the sufficiency of funding for the Superfund program has centered primarily on the pace and adequacy of cleanup at these sites.

<sup>32</sup> CERCLA (42 U.S.C. §9601 et seq.) requires responsible parties to pay for the cleanup of environmental contamination, and authorizes the cleanup of sites where the responsible parties cannot pay or cannot be found. See CRS Report R41039, *Comprehensive Environmental Response, Compensation, and Liability Act: A Summary of Superfund Cleanup Authorities and Related Provisions of the Act*, by David M. Bearden.

The source of funding for the program has also been an issue. There has been some interest in reinstating Superfund taxes on industry to help support the Hazardous Substance Superfund Trust Fund.<sup>33</sup> Congress appropriates monies out of this trust fund to support EPA's Superfund program. The President's FY2015 budget request included a proposal to reinstate Superfund taxes beginning in tax year 2015 and ending in tax year 2024, which would be subject to the enactment of reauthorizing legislation. Superfund tax reauthorization legislation has been introduced in each Congress since the taxing authority expired at the end of 1995, including the 113<sup>th</sup> Congress. Reauthorization legislation has not been enacted to date in any Congress since 1995. P.L. 113-235 did not include language to reauthorize Superfund taxes.<sup>34</sup>

## Brownfields

EPA also administers a separate Brownfields program to provide financial assistance to clean up sites not addressed under the Superfund program but where the known or suspected presence of contamination may present an impediment to economic redevelopment. Funding for EPA's Brownfields program awards two different categories of grants, one competitive and one formula-based. Section 104(k) of CERCLA authorizes EPA to award competitive grants to state, local, and tribal governmental entities for the assessment and remediation (i.e., cleanup) of eligible brownfields sites, job training for cleanup workers, and technical assistance.<sup>35</sup> Section 128 authorizes EPA to award formula-based grants to help states and tribes enhance their own similar cleanup programs. These grants are funded within the STAG account, whereas EPA's expenses to administer the Brownfields program are funded within the Environmental Programs and Management (EPM) account.

Within these two accounts combined, P.L. 113-235 included \$153.3 million for EPA's Brownfields program in FY2015: \$25.6 million within the EPM account; and within the STAG account, \$80.0 million for Section 104(k) grants (see **Table 1**) and \$47.7 million for Section 128 grants (see **Table 2**). The program total for FY2015 is a \$7.7 million (4.8%) decrease from the President's FY2015 request of \$161.0 million, \$10.4 million (6.4%) less than the \$163.7 million included in the Senate subcommittee chairman's draft for FY2015 and in the FY2014 enacted appropriation but a \$6.6 million (4.5%) increase above the \$146.4 million proposed in the House committee reported bill.

## Geographic-Specific/Ecosystem Programs

EPA's Environmental Programs and Management (EPM) account includes funding for several ecosystem restoration and wetlands protection programs to address water quality and sources of pollution associated with environmental and human health risks, including those in a number of geographic-specific areas of the United States. The funding adequacy for these geographic programs garnered considerable attention during the FY2015 appropriations debate, as in previous fiscal years. Included are funding for the National Estuary Program (NEP) and Coastal Waterways program area and for certain specific water bodies including the Great Lakes<sup>36</sup> and

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<sup>33</sup> The Superfund tax consisted of two excise taxes, one on petroleum and one on chemical feedstocks, and a special environmental tax on corporate income. The authority to collect these taxes expired on December 31, 1995.

<sup>34</sup> Tax legislation is within the jurisdiction of the House Committee on Ways and Means.

<sup>35</sup> Nonprofit organizations also may be eligible for site-specific remediation (i.e., cleanup) grants, subject to a determination by EPA based on certain statutory criteria.

<sup>36</sup> The Great Lakes Interagency Task Force was established by executive order in 2004. In FY2010, President Obama proposed the establishment of a Great Lakes Restoration Initiative, which Congress subsequently approved in the

Chesapeake Bay.<sup>37</sup> These programs often involve collaboration among EPA, other federal agencies, state and local governments, communities, and nonprofit organizations. **Table 4** presents the FY2015 enacted appropriations for EPA's ecosystem restoration and geographic specific programs compared to the FY2015 proposed funding levels included in H.R. 5171 as reported and the Senate subcommittee chairman's draft, the President's FY2015 request, and the FY2014 enacted amounts.

**Table 4. Appropriations for EPA Ecosystem Restoration and Geographic-Specific Programs: FY2015 Enacted, H.R. 5171 as Reported, Senate Subcommittee Chairman's Draft, FY2015 President's Budget Request, and FY2014 Enacted**  
(millions of dollars)

Program	FY2014 Enacted (P.L. 113-76)	FY2015 President's Request	FY2015 H.R. 5171 as Reported	FY2015 S. Subcmte. Chairman Draft	FY2015 Enacted (P.L. 113- 235)
Water: Ecosystems Total	\$46.2	\$50.9	\$45.0	\$47.8	\$47.8
National Estuary Program/Coastal Waterways	\$25.1	\$26.7	\$25.1	\$26.7	\$26.7
Wetlands	\$21.1	\$24.2	\$19.9	\$21.1	\$21.1
Geographic Programs Total	\$415.7	\$394.3	\$406.3	\$433.4	\$427.7
Great Lakes Restoration Initiative <sup>a</sup>	\$300.0	\$275.0	\$300.0	\$300.0	\$300.0
Chesapeake Bay	\$70.0	\$73.1	\$70.0	\$73.1	\$73.0
San Francisco Bay	\$4.8	\$4.8	\$4.8	\$4.8	\$4.8
Puget Sound	\$25.0	\$25.0	\$20.0	\$30.0	\$28.0
Long Island Sound	\$3.9	\$2.9	\$3.9	\$3.9	\$3.9
Gulf of Mexico	\$4.5	\$3.8	\$3.8	\$4.5	\$4.5
South Florida	\$1.7	\$1.4	\$1.4	\$1.7	\$1.7
Lake Champlain	\$1.4	\$1.4	\$1.4	\$5.0	\$4.4
Lake Pontchartrain	\$0.9	\$0.9	\$0.9	\$0.9	\$0.9
Southern New England Estuaries	\$2.0	\$5.0	\$0.0	\$8.0	\$5.0
Other Geographic Activities	\$1.4	\$1.0	\$0.0	\$1.4	\$1.4
<b>All Selected Programs</b>	<b>\$461.9</b>	<b>\$445.2</b>	<b>\$481.2</b>	<b>\$461.9</b>	<b>\$475.5</b>

**Source:** Prepared by the Congressional Research Service. The FY2015 enacted and requested amounts and FY2014 enacted amounts are as presented in the table in the *Congressional Record*, vol. 160, no. 151 (December 11, 2014), pp. H9803-H9804, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. The Senate subcommittee chairman's recommendations are as presented in the table contained in the chairman's explanatory statement (p. 101), <http://www.appropriations.senate.gov/sites/default/files/INTFY15Report.pdf>. The FY2015 House committee amounts are as presented in the House committee report (H.Rept. 113-551, pp. 171-172) accompanying H.R. 5171 as reported. Numbers may not add up due to rounding.

Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88). Projects and programs are to be implemented through grants and cooperative agreements with states, tribes, municipalities, universities, and other organizations. For more information, see EPA's website: <http://www.epa.gov/glnpo/iatf/index.html>.

<sup>37</sup> Issued in May of 2009, Executive Order 13508, *Chesapeake Bay Protection and Restoration*, directed federal departments and agencies to exercise greater leadership in implementing their existing authorities to restore the bay.

- a. Funding for the Great Lakes Legacy Act and for EPA's Great Lakes Program was moved to the Great Lakes Restoration Initiative in FY2010.

## National (Congressional) Priorities

P.L. 113-235 included a total of \$16.8 million for “National Priorities” within the S&T and EPM accounts for FY2015, roughly the same amount appropriated for this purpose for FY2014. As in previous fiscal years, the President’s FY2015 request did not include funding for these priorities, which the Administration has characterized as “Congressional Priorities” because it has not sought funds for these purposes.

Of the \$16.9 million total, \$4.1 million was included within the S&T account for FY2015 for “Research: National Priorities.” These funds are to be used for competitive extramural research grants to support high-priority water quality and availability research of national scope by “not-for-profit organizations who often partner with the Agency.” The grants are to be independent of the Science to Achieve Results grant program. The grants are subject to a 25% matching funds requirement.<sup>38</sup>

The remaining \$12.7 million was included within the EPM account for FY2015 for “Environmental Protection: National Priorities.” These funds are to be used for competitive grants to qualified not-for-profit organizations to provide rural and urban communities or individual private well owners with technical assistance to improve water quality or safe drinking water. The grants are subject to a 10% matching funds requirement (including in-kind contributions). Of the \$12.7 million, \$11.0 million was allocated for training and technical assistance on a national level or multi-state regional basis, and \$1.7 million was allocated for technical assistance to individual private well owners.<sup>39</sup>

Although Congress has dedicated funding for these “National” or “Congressional” priorities, they have not been categorized as earmarks by the House or Senate generally because the language would not direct the funding to one specific entity or specific location, and the funding would be awarded on a competitive basis. The House and Senate Appropriations Committees have adhered to an earmark moratorium during the 112<sup>th</sup> and 113<sup>th</sup> Congresses as put forth by the leadership in both chambers. This moratorium has generally precluded earmarks in annual appropriations bills for FY2011, FY2012, FY2013, and FY2014. The moratorium followed the adoption of definitions of earmarks in House and Senate rules.

While there is no consensus on a single earmark definition among all practitioners and observers of the appropriations process, the Senate and House both in 2007 adopted separate definitions for purposes of implementing new earmark transparency requirements in their respective chambers.<sup>40</sup> In the House rule, such a funding item is referred to as a *congressional earmark* (or *earmark*), while in the Senate rule, it is referred to as a *congressionally directed spending item* (or *spending item*).<sup>41</sup>

<sup>38</sup> *Congressional Record* (December 11, 2014), p.H9766, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>.

<sup>39</sup> See footnote 38.

<sup>40</sup> See Senate Rule XLIV and House Rule XXI, clause 9. CRS Report RL34462, *House and Senate Procedural Rules Concerning Earmark Disclosure*, by Sandy Streeter, describes and compares the procedures and requirements in House and Senate rules. See also CRS Report RS22866, *Earmark Disclosure Rules in the House: Member and Committee Requirements*, by Megan S. Lynch, and CRS Report RS22867, *Earmark Disclosure Rules in the Senate: Member and Committee Requirements*, by Megan S. Lynch.

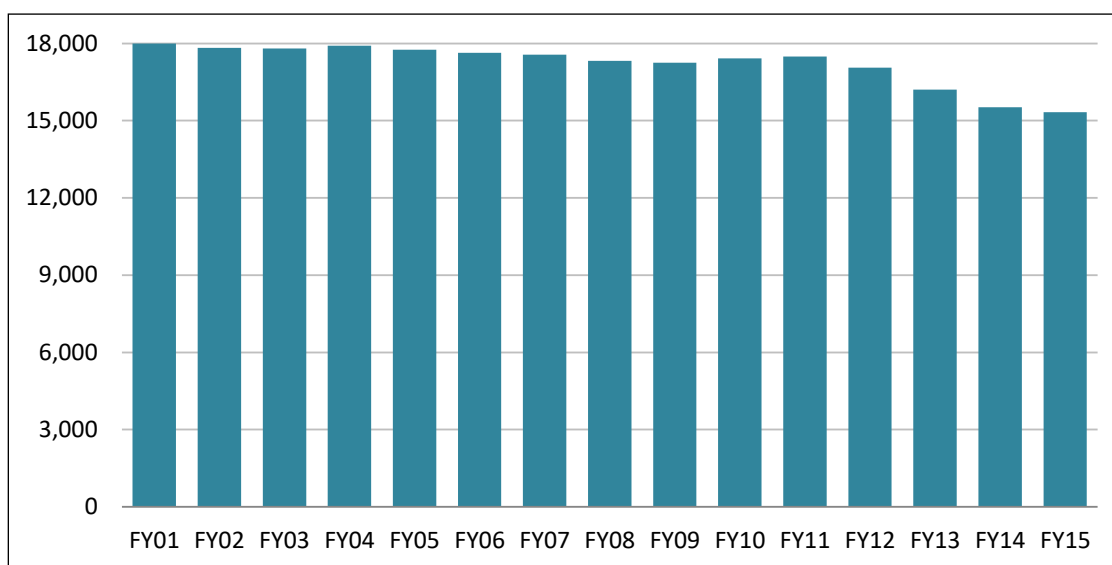
<sup>41</sup> In both cases, this refers to “a provision [in a measure or conference report] or report language included primarily at



## EPA Staff Level

**Figure 1** below provides a trend in EPA’s authorized “Full Time Equivalent” (FTE)<sup>42</sup> employment ceiling from FY2001 through FY2014, and as requested for FY2015 as reported in the EPA FY2015 Congressional Justification. The FY2015 requested level of 15,325 is reportedly the lowest since FY1989.<sup>43</sup> Information prior to FY2001 is available on EPA’s Budget and Planning website at <http://www2.epa.gov/planandbudget/budget>. Also, in March 2000, the Government Accountability Office (GAO)<sup>44</sup> reported that EPA FTEs increased by about 18% from FY1990 through FY1999, with the largest increase (13%, from 15,277 to 17,280 FTEs) occurring from FY1990 through FY1993. From FY1993 through FY1999, GAO indicated that EPA’s FTEs grew at a more moderate rate: less than 1% per year. As indicated in **Figure 1**, with the exception of increases in four fiscal years, the general trend has been downward since FY2001.

**Figure 1. EPA’s Reported Authorized Full Time Equivalent (FTE) Employment Ceiling, FY2001-FY2014 and FY2015 Requested**



**Source:** Prepared by the Congressional Research Service as adapted from EPA’s “FY2015 EPA Budget in Brief,” p. 11 (pdf p. 15), and for previous fiscal years’ Budget in Brief, <http://www2.epa.gov/planandbudget/archive>.

**Notes:** Full Time Equivalent or FTE is defined as one employee working full-time for a full year (52 weeks x 40 hours = 2,080 hours), or the equivalent hours worked by several part-time or temporary employees.

the request of a [Representative or] Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific state, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” Senate Rule XLIV and House Rule XXI, clause 9.

<sup>42</sup> FTE employment is defined as one employee working full-time for a full year (52 weeks X 40 hours = 2,080 hours), or the equivalent hours worked by several part-time or temporary employees.

<sup>43</sup> See historical EPA’s Budget and Spending at <http://www2.epa.gov/planandbudget/budget>.

<sup>44</sup> General Accounting Office (GAO (now the Government Accountability Office), March 23, 2000, Testimony Before the Subcommittee on VA, HUD, and Independent Agencies, Senate Committee on Appropriations, *Human Capital: Observations on EPA’s Efforts to Implement a Workforce Planning Strategy*, Statement for the Record by Peter F. Guerrero, Director, Environmental Protection Issues, Resources, Community, and Economic Development Division, GAO/T-RCED-00-129, <http://www.spa.ga.gov/word/wfpArticles/GAO%20EPA.pdf>.



## Appendix A. Funding Prohibitions Proposed in H.R. 5171 as Reported but Not Retained in P.L. 113-235

A number of EPA regulatory actions and related issues were the focus of considerable debate regarding EPA's FY2015 appropriations. More than a dozen provisions directed at EPA were included in the general provisions in Title IV of H.R. 5171 as reported by the House Appropriations Committee, including several that would have prohibited or restricted the use of appropriated funds. As noted earlier in this report (see "Funding Restrictions/Prohibitions") relatively few of the prohibitive provisions proposed in the House committee reported bill were retained in the Consolidated and Further Appropriations Act, 2015 (P.L. 113-235).<sup>45</sup> The proposed provisions, if enacted, generally would have restricted or prohibited the use of funds as appropriated in the bill (and in some cases "other Acts") to carry out certain EPA regulatory actions across the various environmental pollution control statutes.

The funding prohibitions proposed in H.R. 5171 but not retained in P.L. 113-235 would have impacted various ongoing and anticipated EPA activities, including EPA's proposed standards for reducing GHG emissions from existing and new (or substantially modified) stationary sources<sup>46</sup> and a proposed rule intended to clarify jurisdictional issues and the definition of navigable waters under the Clean Water Act.<sup>47</sup> Other provisions proposed in the House committee reported bill would have limited any EPA activities that would address lead-based paint removal, the definitions of the terms "fill material" or "discharge of fill material" under the Clean Water Act, and financial responsibility with respect to Superfund cleanup. An amendment adopted during the markup would have prohibited EPA from using funds to finalize a rule entitled "Administrative Wage Garnishment" (79 *Federal Register* 37704 et seq., July 2, 2014).

Descriptions of selected provisions included in H.R. 5171 but not retained in the Consolidated and Further Appropriations Act, 2015 (P.L. 113-235) are presented below. The following bulleted list is a summary of the language included in the House-reported bill, not an analysis of each, which is beyond the scope of this report.

- Section 429 (Waters of the United States<sup>48</sup>) would have prohibited the use of funds made available in "this act" (referring to the bill as proposed) or any other act for any fiscal year to develop, adopt, implement, administer, or enforce a change or supplement to a rule or guidance documents pertaining to the definition of waters under the Federal Water Pollution Control Act (33 U.S.C.

<sup>45</sup> Sections 419, 420, 424 and 425 in Title IV of Division F in P.L. 113-235, are generally the same as Sections 420, 421, 426, and 444, respectively, as proposed in Title IV of the House Committee-reported bill, H.R. 5171.

<sup>46</sup> For a discussion of Clean Air Act actions that have been included in the appropriations debate, see CRS Report R42895, *Clean Air Issues in the 113<sup>th</sup> Congress: An Overview*, by James E. McCarthy, CRS Report R43127, *EPA Standards for Greenhouse Gas Emissions from New Power Plants*, by James E. McCarthy, and CRS Report R43572, *EPA's Proposed Greenhouse Gas Regulations for Existing Power Plants: Frequently Asked Questions*, by James E. McCarthy et al.

<sup>47</sup> See CRS Report R43455, *EPA and the Army Corps' Proposed Rule to Define "Waters of the United States,"* by Claudia Copeland, and CRS Report R41225, *Legislative Approaches to Defining "Waters of the United States,"* by Claudia Copeland.

<sup>48</sup> Section 106 of Title I in H.R. 4923, the Energy and Water Development and Related Agencies Appropriations Act, 2015, recommends a similar prohibition for funds made available in that act or any other act specifically for the Corps of Engineers. See CRS Report R43455, *EPA and the Army Corps' Proposed Rule to Define "Waters of the United States,"* by Claudia Copeland.

§1251, et seq.), including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to said jurisdiction and the guidance documents dated January 15, 2003, and December 2, 2008.

- Section 433 (Lead Test Kit) would have prohibited the use of funds made available by this act to implement, administer, or enforce the lead renovation rule under the “Lead; Renovation, Repair, and Painting Rule”<sup>49</sup> or any subsequent amendments to such regulations until the EPA administrator approved and publicized the agency’s recognition of a commercially available lead test kit that meets both criteria under 40 C.F.R. 745.88(c).
- Section 434 (Financial Assurance) would have prohibited the use of funds made available by this act to develop, propose, finalize, implement, enforce, or administer any regulation that would establish new financial responsibility requirements pursuant to Section 108(b) of CERCLA (42 U.S.C. 9608(b)).
- Section 435 (GHG NSPS) would have prohibited the use of funds made available by this act to propose, implement, or enforce (1) any standard of performance under Section 111(b) of the Clean Air Act (42 U.S.C. 7411(b), CAA) for any new fossil-fuel-fired electricity utility generating unit if the EPA administrator’s determination that a technology is adequately demonstrated includes consideration of facilities for which assistance is provided under Subtitle A under Title IV of the Energy Policy Act of 2005<sup>50</sup> or Section 48A of the Internal Revenue Code of 1986; or (2) any regulation or guidance under Section 111(b) of the CAA<sup>51</sup> establishing any standard of performance for emissions of any greenhouse gas (GHG) from any modified or reconstructed source that is a fossil-fuel-fired electricity utility generating unit or under Section 111(d) of the CAA<sup>52</sup> that applied to the emission of any GHG from any existing source that is a fossil-fuel-fired electricity utility generating unit.
- Section 436 (Protection of Personal Information) would have prohibited the use of funds made available by this act by the EPA administrator to compile, publicly disclose, or compel the consent of public disclosure of any personally identifiable information of owners, operators, and employees of any livestock, poultry, or dairy operations unless such personally identifiable information was transformed into a statistical or aggregated form at the county level or higher unless the personally identifiable information or such information is voluntarily offered by consent of the owner, operator, or employee.
- Section 439 (Definition of Fill Material) would have prohibited the use of funds made available in this act or any other act to make any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms “fill material” or “discharge of fill material” for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.).
- Section 441 (Funding Prohibition) would have prohibited the use of funds made available in this act or any other act to promulgate any rule that “identifies, lists, or treats” certain scrap metals or certain shredded circuit boards as hazardous

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<sup>49</sup> 40 C.F.R. 745 subpart E.

<sup>50</sup> 42 U.S.C. 15961 et seq.

<sup>51</sup> 42 U.S.C. 7411(b).

<sup>52</sup> 42 U.S.C. 7411(d).

- wastes under Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.).<sup>53</sup>
- Section 443 (Wage Garnishment) would have prohibited the use of funds made available by this act to finalize, implement, administer, or enforce the proposed rule entitled “Administrative Wage Garnishment” published by EPA in the *Federal Register* on July 2, 2014 (79 *Federal Register* 37704 et seq.),<sup>54</sup> under which EPA would adopt procedures previously established by the Department of the Treasury<sup>55</sup> for purposes of garnishment of wages to satisfy delinquent non-tax debt owed to the federal government.

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<sup>53</sup> Currently, shredded circuit boards and scrap metal *being recycled*, as well as any other *recyclable* scrap metal, are explicitly identified as materials that are not solid waste (see 40 C.F.R. §§261.4(a)(13)-(14) and 261.6(a)(3)(ii)). As a result, these materials cannot be identified (i.e., regulated) as a hazardous waste. EPA has not proposed to eliminate those exclusions. In 2011, EPA did propose to amend the regulations defining each exclusion to require the materials to be “legitimately recycled,” as defined in 40 C.F.R. §260.43 (76 *Federal Register* 44094-44154, July 22, 2011; see <http://www.epa.gov/osw/hazard/dsw/rulemaking.htm>). In its spring 2014 regulatory agenda, EPA announced that it planned to publish a final rule in July 2014, but a rule has not been published as of the date of this CRS report (see <http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201404&RIN=2050-AG62>).

<sup>54</sup> EPA referenced its intent to proceed with a direct and final rule published on the same date (79 *Federal Register* 37644, July 2, 2014) because the agency viewed this rule as “a noncontroversial action and anticipate[d] no adverse comment.” In a subsequent notice (79 *Federal Register* 41646, July 17, 2014), EPA withdrew the direct and final rule due to “the receipt of adverse comments” and, on July 23, 2014 (79 *Federal Register* 42745, July 23, 2014), extended the public comment period for the proposed rule to September 2, 2014. Comment period was originally scheduled to end August 1, 2014.

<sup>55</sup> The Debt Collection Improvement Act of 1996 (§31001 of P.L. 104-134), 31 U.S.C. 3720D.

## Appendix B. Historical Funding Trends

**Table B-1** presents the level of FY2008-FY2014 enacted appropriations for EPA by each of the agency's statutory accounts. EPA's funding over the long term has generally reflected an increase in overall appropriations to fulfill a rising number of statutory responsibilities. EPA's historical funding trends tend to parallel the evolution of the agency's responsibilities over time, as Congress has enacted legislation to authorize the agency to develop and administer programs and activities in response to a range of environmental issues and concerns. In terms of the overall federal budget, EPA's annual appropriations have represented a relatively small portion of the total discretionary federal budget (just under 1% in recent years).

Without adjusting for inflation, EPA's funding has grown from \$1.0 billion when EPA was established in FY1970 to a peak funding level of \$14.86 billion in FY2009.<sup>56</sup> This peak includes regular fiscal year appropriations of \$7.64 billion provided for FY2009 in P.L. 111-8 and the supplemental appropriations of \$7.22 billion provided for FY2009 in P.L. 111-5, the American Recovery and Reinvestment Act of 2009. However, in real dollar values (adjusted for inflation), EPA's funding in FY1978 was slightly more than the level in FY2009.

<sup>56</sup> A history of total discretionary budget authority for EPA from FY1976 through FY2014, as reported by the Office of Management and Budget (OMB) in the "Historical Tables" accompanying the President's *Budget of the U.S. Government, Fiscal Year 2015*. Levels of agency budget authority prior to FY1976 were not reported by OMB in the historical tables. See Office of Management and Budget, Historical Tables, Table 5.4, Discretionary Budget Authority by Agency, <http://www.whitehouse.gov/omb/budget/Historicals>.

**Table B-1. Appropriations for the Environmental Protection Agency (EPA): FY2008-FY2014 Enacted**

(millions of dollars not adjusted for inflation)

<b>Appropriations Account</b>	<b>FY2008 P.L. 110- 161</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111- 5</b>	<b>FY2009 Total</b>	<b>FY2010 P.L. 111- 88</b>	<b>FY2011 P.L. 112- 10</b>	<b>FY2012 P.L. 112- 74</b>	<b>FY2013 P.L. 113-6 (Post- Sequester)</b>	<b>FY2014 Enacted P.L. 113-76</b>
Science and Technology									
—Base Appropriations	\$760.1	\$790.1	\$0.0	\$790.1	\$848.1 <sup>a</sup>	\$813.5	\$793.7	\$743.8	\$759.2
—Transfer in from Superfund	+\$25.7	+\$26.4	\$0.0	+\$26.4	+\$26.8	+\$26.8	+\$23.0	+\$21.7	+\$19.2
Science and Technology Total	\$785.8	\$816.5	\$0.0	\$816.5	\$874.9	\$840.3	\$816.7	\$765.5	\$778.4
Environmental Programs and Management	\$2,328.0	\$2,392.1	\$0.0	\$2,392.1	\$2,993.8	\$2,756.5	\$2,678.2	\$2,512.1	\$2,624.1
Office of Inspector General									
—Base Appropriations	\$41.1	\$44.8	\$20.0	\$64.8	\$44.8	\$44.7	\$41.9	\$39.7	\$41.8
—Transfer in from Superfund	+\$11.5	+\$10.0	\$0.0	+\$10.0	+\$10.0	+\$10.0	+\$9.9	+\$9.4	+\$9.9
Office of Inspector General Total	\$52.6	\$54.8	\$20.0	\$74.8	\$54.8	\$54.7	\$51.8	\$49.1	\$51.8
Buildings & Facilities	\$34.3	\$35.0	\$0.0	\$35.0	\$37.0	\$36.4	\$36.4	\$34.5	\$34.5
Hazardous Substance Superfund (before transfers)	\$1,254.0	\$1,285.0	\$600.0	\$1,885.0	\$1,306.5	\$1,280.9	\$1,213.8	\$1,115.2	\$1,088.8
—Transfer out to Office of Inspector General	-\$11.5	-\$10.0	\$0.0	-\$10.0	-\$10.0	-\$10.0	-\$9.9	-\$9.4	-\$9.9
—Transfer out to Science and Technology	-\$25.7	-\$26.4	\$0.0	-\$26.4	-\$26.8	-\$26.8	-\$23.0	-\$21.7	-\$19.2
Hazardous Substance Superfund (after transfers)	\$1,216.8	\$1,248.6	\$600.0	\$1,848.6	\$1,269.7	\$1,244.2	\$1,180.9	\$1,084.0	\$1,059.6
Leaking Underground Storage Tank Trust Fund Program	\$105.8	\$112.6	\$200.0	\$312.6	\$113.1	\$112.9	\$104.1	\$103.4	\$94.6
Inland Oil Spill Program (formerly Oil Spill Response)	\$17.1	\$17.7	\$0.0	\$17.7	\$18.4	\$18.3	\$18.2	\$17.3	\$18.2
State and Tribal Assistance Grants (STAG)									
—Clean Water State Revolving Fund	\$689.1	\$689.1	\$4,000.0	\$4,689.1	\$2,100.0	\$1,522.0	\$1,466.5	\$1,851.1	\$1,448.9

<b>Appropriations Account</b>	<b>FY2008 P.L. 110- 161</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111- 5</b>	<b>FY2009 Total</b>	<b>FY2010 P.L. 111- 88</b>	<b>FY2011 P.L. 112- 10</b>	<b>FY2012 P.L. 112- 74</b>	<b>FY2013 P.L. 113-6 (Post- Sequester)</b>	<b>FY2014 Enacted P.L. 113-76</b>
—Drinking Water State Revolving Fund	\$829.0	\$829.0	\$2,000.0	\$2,829.0	\$1,387.0	\$963.1	\$917.9	\$956.3	\$906.9
—Special (Congressional) Project Grants	\$132.9	\$145.0	\$0.0	\$145.0	\$156.8	\$0.0	\$0.0	\$0.0	\$0.0
—Categorical Grants	\$1,078.3	\$1,094.9	\$0.0	\$1,094.9	\$1,116.4	\$1,104.2	\$1,088.8	\$1,032.0	\$1,054.4
—Brownfields Section 104(k) Grants	\$93.5	\$97.0	\$100.0	\$197.0	\$100.0	\$99.8	\$94.8	\$89.9	\$90.0
—Diesel Emission Reduction Grants	\$49.2	\$60.0	\$300.0	\$360.0	\$60.0	\$49.9	\$30.0	\$18.9	\$20.0
—Other State and Tribal Assistance Grants	\$54.2	\$53.5	\$0.0	\$53.5	\$50.0	\$19.9	\$15.0	\$14.2	\$15.0
State and Tribal Assistance Grants Total	\$2,926.2	\$2,968.5	\$6,400.0	\$9,368.5	\$4,970.2	\$3,758.9	\$3,612.9	\$3,962.4	\$3,535.2
Rescissions of Unobligated Balances <sup>b</sup>	-\$5.0	-\$10.0	\$0.0	-\$10.0	-\$40.0	-\$140.0	-\$50.0	-\$50.0	\$0
<b>Total EPA Accounts</b>	<b>\$7,461.5</b>	<b>\$7,635.7</b>	<b>\$7,220.0</b>	<b>\$14,855.7</b>	<b>\$10,291.9<sup>a</sup></b>	<b>\$8,682.1</b>	<b>\$8,449.4</b>	<b>\$8,478.4</b>	<b>\$8,200.0</b>

**Source:** Prepared by the Congressional Research Service using the most recent information available from House, Senate, or conference committee reports accompanying the annual appropriations bills that fund EPA and Administration budget documents, including the President’s annual budget requests as presented by the Office of Management and Budget (OMB), EPA’s accompanying annual congressional budget justifications, and EPA’s FY2013 operating plan submitted to the House and Senate Appropriations Committees. “ARRA” refers to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). The ARRA amounts do not reflect rescission of unobligated balances as per P.L. 111-226. Numbers may not add up due to rounding.

- a. FY2010 amounts presented for the base appropriations for the S&T account and the EPA total include \$2.0 million in supplemental appropriations for research of the potential long-term human health and environmental risks and impacts from the releases of crude oil and the application of chemical dispersants and other mitigation measures under P.L. 111-212, Title II.
- b. In addition to other across-the-board rescissions, the FY2008-FY2013 rescissions presented here are from unobligated balances from funds appropriated in prior years within the eight accounts, and made available for expenditure in a later year. In effect, these “rescissions” increase the availability of funds for expenditure by the agency in the years in which they are applied, functioning as an offset to new appropriations by Congress. With regard to the FY2011 enacted rescissions, Section 1740 in Title VII of Division B under P.L. 112-10, Congress referred only to “unobligated balances available for ‘Environmental Protection Agency, State and Tribal Assistance Grants’” (not across all accounts), and Congress did not specify that these funds were to be rescinded from prior years. For FY2012, the administrative provisions in Division E, Title II of P.L. 112-74 rescinded unobligated balances from the STAG (\$45.0 million) and the Hazardous Substance Superfund (\$5.0 million) accounts. FY2012 rescissions specified by Congress within the STAG account included \$20.0 million from categorical grants, \$10.0 million from the Clean Water State Revolving Fund (SRF), and \$5.0 million each from Brownfields grants, Diesel Emission Reduction Act grants, and U.S.-Mexico Border water infrastructure grants. For FY2013, in Section 1406 of Title IV in P.L. 113-6, Congress rescinded unobligated balances from the Hazardous Substance

Superfund (\$15.0 million) and STAG (\$35.0 million) accounts. FY2013 rescissions specified within the STAG account included \$5.0 million from categorical grants, \$10.0 million each from the Clean Water and the Drinking Water SRFs, and \$10.0 million from Brownfields grants.



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